

Tecumseh, Nebraska
March 4, 2013

The City Council of the City of Tecumseh, Nebraska, met in regular session in the Board Room at City Utility Shop on the 4th day of March, 2013 at 7:00 o'clock p.m. in a publicly convened session, the same being open to the public and having been preceded by advanced publicized notice.

Routine Business

Mayor Montz read a statement of availability of current copy of Open Meeting Act.

The following Council Members were present: Kimberly Jansen, Charles Murphy, Larry Carmine, Jim Philippi, and Bill Baum. Absent: Beth Rossi.

Others present: Ray Kappel, Deputy Andrew Schroeder, Steve Bartels, Harold Kettlehake, Father Dunavan, Shayne Huxoll, Lisa Beethe, Boyd Mattox, Rhonda Sasser, Tom Rother, Don Garris, Lanie Heidemann, Arlen Beethe, Bob Thiemann, Paula Darling, Doug Goracke, and Bruce Dalluge.

Clerk Darling asked the Council to please notice that an item had been added to the original agenda regarding the Mayor's appointment of Jack Stinson to the Tecumseh Housing Authority Board.

Public Hearing

Mayor Montz opened the Public Hearing at 7:02 p.m. for comments regarding the application for Public Transportation Assistance and setting the budget for the City of Tecumseh and Johnson County Public Transit with breakdowns as follows: Federal portion \$38,732.00, State portion \$19,366.00 and Local portion \$19,366.00, and as there were no questions or comments from the public, the Mayor closed the hearing at 7:03 p.m.

Regular Agenda

Motion by Councilmember Baum, seconded by Councilmember Philippi, to approve Resolution #13-03, an application for Public Transportation Assistance, and setting the budget for the City of Tecumseh and Johnson County Public Transit with breakdowns as follows: Federal portion \$38,73.00, State portion \$19,366.00 and local portion \$19,366.00. Motion carried by unanimous roll call vote.

Motion by Councilmember Baum, seconded by Councilmember Murphy, to approve changes to handibus fares as follows: \$1.00 per ride within city, \$2.00 per ride within county, \$15.00 round trip to Lincoln and Beatrice with rates to go into effect July 1, 2013. Motion carried by unanimous roll call vote.

Motion by Councilmember Carmine, seconded by Councilmember Jansen, to approve Resolution #13-04 authorizing the Mayor to sign the pre-application for the 2013 Rental Rehabilitation Grant Application to Nebraska Department of Economic Development. Motion carried by unanimous roll call vote.

Deputy Schroeder distributed the Sheriff's report to the Council and there were no questions.

There was no Tecumseh Volunteer Fire Chief Report.

Father Dunavan addressed the City Council and Mechanical and Ag Society Board with updates of the month's activities regarding the pond restoration project. Former water operator Don Garris gave a brief history of the ponds and stated that the concrete structure in the ponds was used to help pump water and that there had been an attempt at digging a well near the ponds to pump water, but it was not able to keep up with the demand. Lisa Beethe explained that most organizations she has talked to about grants would require a professional engineering study before money would be awarded as they would want to know why the pond is leaking and what should be done to prevent it from leaking in the future. Lanie Heidemann gave good information regarding the use and cost of solar pumps and wind generators to pump water from the well to the pond. Fr. Dunavan stated the urban special project pre-application had been accepted but funding is short for this grant cycle and that they will likely only get a percentage of what they asked for. The committee is also waiting to hear from Burlington Northern regarding their community grants. Steve Bartels mention that the Mechanical and Ag Society Board would vote on authorizing another pump test within the next 2-3 weeks and Garris suggested they do a water test as well. Fr. Dunavan told the group that NRCS has stated they would help with soil analysis and project management and a donor has

been secured for the clay type soil to be used for the base of the pond. He also stated that an engineering firm needs to be contacted about assisting with the project before the next meeting. The next meeting will be held following the regular business of the City Council on April 1, 2013.

The Mayor asked Rhonda Sasser if she would like to speak and she asked that her comments become part of the record. She stated that she was bi-polar and that she did not own, nor did she want to own a gun.

Councilmember Carmine said he had nothing to report on the parks, and Clerk Darling explained the process of ADA compliance in our city park and showed the Council several options for Phase One. Darling strongly recommended that a sidewalk from Broadway to the east side of the tennis courts be poured this spring or early summer as there had been a request for this and that crumb rubber be installed around the large playground equipment. Motion by Councilmember Baum, seconded by Councilmember Murphy, to approve the construction of the sidewalk from Broadway to the tennis courts and the installation of the crumb rubber surfacing around the large playground equipment to equal a total of \$10,000 for both projects. Motion carried by unanimous roll call vote.

Councilmember Baum moved to amend his motion to state that the funding for the sidewalk and crumb rubber come from KENO revenues and Councilmember Murphy seconded the amended motion. Motion carried by unanimous roll call vote.

There was no Tecumseh Manor report as Councilmember Rossi was not in attendance. Motion by Councilmember Carmine, seconded by Councilmember Philippi, to approve the mayor's appointment of Jack Stinson to fill the vacancy on the Tecumseh Housing Authority Board. Motion carried by unanimous roll call vote.

Councilmember Jansen stated she would prefer to give the Library Report after the Library Board meets in March and would like to be put on the April agenda.

Doug Goracke distributed the Utility Board Report and stated that the Board of Public Works.

City Attorney Dalluge explained the process for approving the street department bid for work to be done on 6th Street from Broadway to Lincoln and the intersection of Clay and 1st St. Mr. Dalluge indicated it was a two-step process. First, the Council would need to determine who were the responsible bidders for the City's project. Second, the Council would determine the lowest bid from the responsible bidders. Dalluge stated that a bidder's responsibility would pertain to his ability and capacity to carry on the work, his equipment and facility, his promptness, the quality of work previously done by the bidder, whether or not he has suitability to the particular task, and any other qualities found necessary for the city's project. Shayne Huxoll with Olsson Associates stated that all bidders were required to provide references from projects they completed within the last three years. Huxoll stated that M.E. Collins did not submit the required references. Huxoll reviewed his findings from the research he did on the references of the three remaining bidders with the council. He explained that the goal of the reference checks was to find if the bidders had done similar projects in the last three years, whether or not they efficiently accomplished their projects on time as Tecumseh would have special issues with scheduling, particularly since the 6th Street and Lincoln Streets intersection is located across from the school and the schedule requires the project to be completed prior to school starting in August. Additionally scheduling will be of importance on the Clay Street project as truck traffic will be rerouted to other streets. It was Huxoll's opinion, of the three bidders, two met the responsible bidder definition in regards to our particular project and those two were TCW and Dobson. Huxoll expressed his concern that the references he checked for R.L. Tiemann were not favorable references and the size of the project given as references by Thiemann were much smaller than the size of the Tecumseh project. The references of Dobson Construction and TCW Construction were all favorable, and the references reflected their ability to do larger projects on a timely basis. Bob Tiemann, owner of R. L. Tiemann Construction Inc., asked to be recognized and stated that he knew of the scheduling issues of some of his prior projects and that he would now be taking responsibility for scheduling going forward and that he had an agreement with another company that would assist to make sure everything was done on time. He also stated that his company had worked on projects of similar size and scope as Tecumseh's, but they were from 4 years ago and were not included because of the required 3 years of references from 2009-2012. Huxoll stated that his research on Tiemann's references was from the information provided by R.L. Tiemann Construction and that was the only information that could be substantiated at this time.

As there was no further discussion, Councilmember Philippi moved to determine that Dobson Construction and TCW Construction are the responsible bidders for the Tecumseh project, and that the bid of M.E. Collins would not be considered for they failed to submit all necessary bidding documents. Councilmember Murphy seconded the motion. Motion carried by 4-1 roll call vote, with Baum voting nay.

Motion by Councilmember Murphy, seconded by Councilmember Carmine, to approve awarding of the bid to the lowest responsible bidder, Dobson Construction, in the amount of \$275,843.25. Motion carried by unanimous roll call vote.

Utilities Foreman Goracke distributed the Board of Public Works report and stated they are moving forward with the USDA Rural Economic Development Loan for the upgrade/remodeling project at the Hospital.

Consent Agenda

Motion by Councilmember Murphy, seconded by Councilmember Carmine, to approve the Consent Agenda as follows:

1. Approve minutes of the February 4, 2013 regular meeting
2. Pay bills for City Funds
3. Consider advertising for Municipal Swimming Pool employees i.e. pool manager, assistant pool manager and lifeguards.

Motion carried by unanimous roll call vote.

On motion the meeting was adjourned at 9:07p.m.

CITY CLERK

Paula Darling

MAYOR

William J. Montz, Sr.